



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,348	07/05/2001	Desmond Mascarenhas	479942000300	2173

20872 7590 10/24/2005
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,348

Applicant(s)

MASCARENHAS, DESMOND

Examiner

Romain Jeanty

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the communication received July 5, 2005. Claims 1-44 are pending in the application.

Claim Objections

2. Claims 6, 12, 16, 20, 31, 38, and 44 are objected to because of the following informalities: The acronym "PTT" is not defined. Applicant is requested to define what the acronym PTT means in the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 7-11, 13-15, 17-19, 21-30, 32-37, 39-43, are rejected under 35 U.S.C. 102(e) as being anticipated by Herz (US Patent No. 6,460,036).

As per claim 1, 26, Herz discloses computer implemented method for matching a computer user with target information comprising the acts of:

Art Unit: 3623

a) creating a classification significance pattern for a user by using a psychological test wherein at least some of the user's answers to test questions are used to derive the classification significance pattern for the user (col. 11, lines 48-60).

b) creating a classification index for the target information wherein the classification index can be matched to one or more elements of the classification significance pattern of the user (i.e., matching the target profile of the user) (col. 5, lines 23-64; and

c) finding target data whose classification index matches one or more elements of the classification significance pattern of the user (col. 13, lines 32-35).

As per claim 2, Herz further discloses the computer implemented method of claim 1 wherein the user does not make prior explicit disclosure of interest in the target information (col. 11, lines 48-60).

As per claim 3, Herz discloses The computer implemented method of claim 1 wherein the classification significance pattern contains data indicative of an archetype "characteristic" to which the user corresponds (i.e., the classification pattern of the user containing the user's characteristic) (col. 28, lines 4-19).

As per claim 4, Herz further discloses the computer implemented method of claim 1 wherein the classification index of the target information contains data relating to an archetype "characteristic" to which the user may correspond (col. 28, lines 4-19).

As per claim 5, Herz further disclose the computer implemented method of claim 1 wherein the target information is selected from one or more of the following categories: job placement, opinion surveys (col. 28, lines 35-52).

Art Unit: 3623

As per claim 7, Herz further discloses the computer implemented method of claim 1 comprising the additional act of receiving a request for target information from a user via the Internet or a data network wherein the request is made anonymously via a pseudonym (col. 31, lines 59-64).

As per claim 8, Herz discloses computer implemented method for matching a computer user with target information comprising the acts of:

a) creating a classification significance pattern for the user by using a psychological test wherein at least some of the user's answers to test questions are used to derive the classification significance pattern for the user, and wherein the classification significance pattern contains data indicative of an archetype to which the user corresponds (col. 11, lines 48-60);

b) creating a classification index for the target information wherein the classification index can be matched to one or more elements of the classification significance pattern of the user (col. 5, lines 23-64); and

c) finding target data whose classification index matches one or more elements of the classification significance pattern of the user (col. 13, lines 23-35).

As per claim 9, Herz discloses computer implemented method for matching a computer user with target information comprising the acts of:

a) creating a classification significance pattern for the user by using a psychological test wherein at least some of the user's answers to test questions are used to derive the classification significance pattern for the user, and wherein the classification significance pattern contains data indicative of an archetype "characteristic" to which the user corresponds (col. 11, lines 48-60);

Art Unit: 3623

b) creating a classification index for the target information wherein the classification index can be matched to one or more elements of the classification significance pattern of the user, and wherein the classification index of the target information contains data indicative of an archetype to which the user may correspond (col. 5, lines 23-64); and

c) finding target data whose classification index matches one or more elements of the classification significance pattern of the user (col. 13, lines 23-35).

As per claim 10, Herz further discloses the computer implemented method of claim 9 wherein the user does not make prior explicit disclosure of interest in the target information (col. 11, lines 48-60).

As per claim 11, Herz further discloses the computer implemented method of claim 9 wherein the target information is selected from *one or more* of the following categories: job placement, opinion surveys, dating/matching services, travel, sports, entertainment, financial, biomedical, computers, software and networking (col. 28, lines 4-19).

As per claim 13, Hertz further discloses the computer implemented method of claim 9 comprising the additional act of receiving a request for target information from a user via the Internet or a data network wherein the request is made anonymously via a pseudonym (col. 31, lines 59-64).

As per claim 14, Herz discloses computer implemented method for matching a computer user with target information comprising the acts of:

a) creating a classification significance pattern for the user by using a psychological test wherein at least some of the user's answers to test questions are used to derive the classification

Art Unit: 3623

significance pattern for the user, and wherein the classification significance pattern contains data indicative of an archetype “characteristic” to which the user corresponds (col. 11, lines 48-60);

b) creating a classification index for the target information wherein the classification index can be matched to one or more elements of the classification significance pattern of the user, and wherein the classification index of the target information contains data relating to an archetype “characteristic” to which the user may correspond (col. 5, lines 23-64);

c) finding target data whose classification index matches one or more elements of the classification significance pattern of the user (col. 13, lines 23-35); and

d) wherein the target information is selected from one or more of the following categories: job placement, opinion surveys, dating/matching services, travel, sports, entertainment, financial, biomedical, computers, software and networking (col. 28, lines 35-52).

As per claim 15, Herz further discloses the computer implemented method of claim 14 wherein the user does not make prior explicit disclosure of interest in the target information (col. 11, lines 48-60).

As per claim 17, Herz further discloses the computer implemented method of claim 14 comprising the additional act of receiving a request for target information from a user via the Internet or a data network wherein the request is made anonymously via a pseudonym (col. 31, lines 59-64).

As per claim 18, Herz discloses a computer implemented method for matching a computer user with target information comprising the acts of:

a) receiving a request for target information from a user via the Internet or a data network (col. 39, lines 3-60,

Art Unit: 3623

b) retrieving from a data base, a classification significance pattern for the user, wherein the classification significance pattern for the user was created by using at least some of the user's answers to test questions from a psychological test, and wherein the classification significance pattern contains data indicative of an archetype "characteristic" to which the user correspond (col. 39, lines 3-60);

c) using the classification significance pattern for the user to search a data base of target information (col. 26, lines 33-56); and

d) displaying for the user target information which matches one or more elements of the classification significance pattern for the user (col. 66, lines 3-38).

As per claim 19, Herz further discloses the computer implemented method of claim 18 wherein the user does not make prior explicit disclosure of interest in the target information (col. 11, lines 48-60).

Claims 21, 25-26, and 28 are apparatus claims corresponding to method claim 1 and are rejected under 35 U.S.C 102 for the same reason set forth in claim 1. In addition, Herz further discloses a computer server node. Note Figure 2 and col. 32, lines 26-36 of Herz.

As per claim 22, Herz further discloses the apparatus for matching a computer user with target information of claim 21 wherein the classification significance pattern contains data indicative of an archetype to which the user corresponds (i.e., the classification pattern of the user containing the user's characteristic) (col. 28, lines 4-19).

As per claim 23, Herz further discloses the apparatus for matching a computer user with target information of claim 21 wherein the classification index of the target information contains data indicative of an archetype "characteristic" to which the user may correspond (i.e., the

Art Unit: 3623

classification pattern of the user containing the user's characteristic) (col. 28, lines 4-19).

As per claim 24, Herz further discloses the apparatus for matching a computer user with target information of claim 21 wherein the target information is selected from **one or more** of the following categories: job placement, opinion surveys, dating/matching services, travel, sports, entertainment, financial, biomedical, computers, software and networking (col. 28, lines 35-52).

As per claim 27, Herz further discloses the apparatus for matching a computer user with target information of claim 21 wherein the user can access the computer server node anonymously via a pseudonym (col. 31, lines 59-64).

As per claim 29, Herz further discloses the apparatus of claim 28 wherein the user does not make a prior explicit disclosure of interest in the target information (col. 11, lines 48-60):

As per claim 30, Herz further discloses the apparatus of claim 28 wherein the target information is selected from **one or more** of the following categories: job placement, opinion surveys, dating/matching services, travel, sports, entertainment, financial, biomedical, computers, software and networking (col. 28, lines 35-52).

As per claim 32, Herz further discloses the apparatus of claim 28 wherein the computer server node receives a request for target information from a user via the Internet or a data network. Note abstract of Herz.

Claim 33 is an apparatus claim corresponding to method claim 18 and is rejected under 35 U.S.C 102 for the same reason set forth in claim 18. In addition, Herz further discloses a computer server node.

Art Unit: 3623

Claim 34 is a computer program product claim corresponding to method claim 1 and is rejected under 35 U.S.C 102 for the same reason set forth in claim 1.

Claim 35 is a computer program product claim corresponding to method claim 18 and is rejected under 35 U.S.C 102 for the same reason set forth in claim 18.

Claim 36 is a computer program product claim corresponding to method claim 2 and is rejected under 35 U.S.C 102 for the same reason set forth in claim 2.

Claim 37 is a computer program product claim corresponding to method claim 5 and is rejected under 35 U.S.C 102 for the same reason set forth in claim 5.

Claims 39 and 40 are apparatus claim corresponding to method claim 18 and are rejected under 35 U.S.C 102 for the same reason set forth in claim 18.

Claim 41 is a computer program product claim corresponding to method claim 1 and is rejected under 35 U.S.C 102 for the same reason set forth in claim 1. In addition, Herz further discloses the prediction of a user's interest in targeted information (col. 21 line 66 through col. 22 line 11).

As per claim 42, Herz further discloses the apparatus of claim 28 wherein said abstract significance pattern is not based on demographic attributes (col. 11, lines 48-60).

As per claim 43, Herz further discloses the apparatus of claim 28 wherein the target information is selected from **one or more** of the following categories: job placement, opinion surveys, dating/matching services, travel, sports, entertainment, financial, biomedical, computers, software and networking (col. 28, lines 35-52).

Art Unit: 3623

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 12, 16, 20, 31, 38, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz (US Patent No. 6,400,036)

As per claims 6, 12, 16, 20, 31, 38, and 44, Herz does expressly teach wherein the psychological test used is a PTT. However, using psychological test such as PTT (Personality Trait Topography) is old and well known in the art to be used in order to obtain survey responses from respondents. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Herz to include this well known teaching in order to acquire responses from Herz users.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Greenberg et al (Finding the right agent can stop the revolving door) discloses a system for administering psychological test to users for obtaining a user's profile.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30AM - 6:00PM.

Art Unit: 3623

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 2, 2005

Romain Jeanty
Primary Examiner
Art Unit 3623